



STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

GENERAL PERMIT TO DISCHARGE UNDER THE WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of ch. 283, Wis. Stats., and ch. NR 216, Wis. Adm. Code, any operation engaged in

LAND DISTURBING CONSTRUCTION ACTIVITIES INCLUDING CLEARING, GRADING, AND EXCAVATING ACTIVITIES WHICH WILL RESULT IN THE DISTURBANCE OF FIVE OR MORE ACRES

located in the State of Wisconsin, excluding initial coverage within Indian Country after September 30, 2001, and meeting the applicability criteria listed in Part I of this General Permit is permitted to discharge storm water directly to waters of the state (surface waters, groundwater and wetlands) in accordance with the terms and conditions of this permit.

Other direct and indirect waste discharge to waters of the state is prohibited unless covered by another WPDES permit.

This permit does not relieve the permittee from responsibility for compliance with any other applicable federal, state, or local law, rule, standard, ordinance, order, judgment or decree.

Unless notified by the Department of Natural Resources to the contrary, the effective date of coverage under this permit is 14 working days after an applicant's Notice of Intent has been received by the Department of Natural Resources.

Coverage under this permit to discharge shall be terminated in accordance with Part II.H. of this general permit.

This permit to discharge storm water shall expire at midnight, March 31, 2006.

State of Wisconsin Department of Natural Resources
For the Secretary

By Ryan L. Larson Sr.
Al Shea,
Director, Bureau of Watershed Management

Date of Signature: 8/27/01

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PART I. APPLICABILITY CRITERIA.

A. Eligibility.

(1) Subject to the provisions of Part I.A.(3), I.A.(4) and I.B.(1) through (5), this general Wisconsin Pollutant Discharge Elimination System (WPDES) permit is applicable to all new and existing storm water discharges from land disturbing construction activity occurring after the effective date of this permit until the site undergoes final stabilization. Industrial, commercial, residential, and governmental construction activities eligible for coverage by this permit are those that involve clearing, grading, excavation and other land disturbing activities of five or more acres. This permit is applicable to discharges of pit/trench dewatering at these sites. Examples of some dewatering activities that may be regulated by this permit include dewatering of construction pits, sewer extension construction, pipe trenches, and other similar operations.

(2) This permit authorizes storm water discharges from land disturbing construction activities that are mixed with storm water discharges associated with industrial activity from industrial sources other than land disturbing construction activities provided that the storm water discharge from the other industrial activity is in compliance with the terms of all applicable WPDES permits authorizing such discharges.

(3) Storm water discharges associated with industrial activity that are subject to an existing WPDES permit or which are issued an individual WPDES construction site storm water discharge permit are not authorized by this permit.

(4) This general permit does not apply to construction sites otherwise eligible for this permit where the Wisconsin Department of Natural Resources (DNR) determines, pursuant to s. NR 216.53(3), Wis. Adm. Code, that coverage under an individual WPDES storm water discharge permit is more appropriate. The DNR may require individual permit coverage for storm water discharge from a construction site otherwise eligible for this permit if any of the following occur:

(a) The storm water discharge from a construction site is determined to be a significant source of pollution and more appropriately regulated by an individual WPDES storm water discharge permit;

(b) The storm water discharge from a construction site is not in compliance with the terms and conditions of this general permit or ch. NR 216, Wis. Adm. Code;

(c) A change occurs in the availability of demonstrated technology or practices for the control or abatement of pollutants from the storm water discharge from the construction site; or

(d) Effluent limitations or standards are promulgated for a storm water discharge from the construction site different from the conditions contained in ch. 216, Wis. Adm. Code

B. Exclusions. The following are excluded from coverage under this permit:

(1) Storm water discharges from construction sites that are within Indian Country and are seeking initial coverage under this permit after September 30, 2001. Contact the DNR Northeast Regional office at (920) 492-5800 or the DNR Central office at (608) 267-7694 for non-Indian construction within Indian Country to determine if state permit coverage from the Department is required. Storm water discharges within Indian Country from non-tribal lands that have state coverage under this general storm water permit prior to September 30, 2001 may continue to be covered under this state general permit for purposes of state law.

(2) Storm water discharges from land disturbing construction activity that affect wetlands, unless the Department determines that the storm water discharges from land disturbing construction activity is in conformance with the wetland water quality standards provisions in ch. NR 103, Wis. Adm. Code.

(3) Land disturbing construction activity and associated storm water discharges that affect endangered and threatened resources, unless the Department determines that the land disturbing construction activity and associated storm water discharges is in conformance with the endangered and threatened resource protection requirements of s. 29.604, Wis. Stats. and ch. NR 27, Wis. Adm. Code.

(4) Land disturbing construction activity and associated storm water discharges that affect any historic property that is listed property, or on the inventory or on the list of locally designated historic places under s. 44.45, Wis. Stats., unless the Department determines that the land disturbing construction activity and associated storm water discharges will not have an adverse effect on any historic property pursuant to s. 44.40 (3), Wis. Stats.

C. Authorization.

(1) A landowner planning a land disturbing construction activity of five or more acres must submit a completed Notice of Intent (NOI) to the DNR in accordance with the requirements of Part II of this permit to be authorized to discharge storm water under this permit.

(2) Only a landowner who submits an NOI in compliance with Part II of this permit is authorized to discharge storm water from a land disturbing construction activity of five or more acres under the terms and conditions of this permit. Except as provided in Part I.C.(3), I.C.(4) and I.C.(5), any landowner who intends to discharge storm water associated with a land disturbing construction activity that will disturb five or more acres must apply for coverage under this permit.

(3) Storm water discharges from commercial building sites which meet the requirements of ch. NR 216, Wis. Adm. Code, and are regulated by ch. Comm 50 or 65, Wis. Adm. Code, in a manner which is in compliance with NR 216 shall be deemed to hold a WPDES permit and shall be in compliance with this permit. The Department of Commerce (COMM) shall notify the DNR of projects covered under this section which shall constitute the NOI for these projects.

Note: Chapter COMM 65, Wis. Adm. Code has not yet been promulgated. However, the Department of Commerce is currently proceeding to promulgate this new code that will regulate storm water discharges from commercial building sites.

(4) Storm water discharges from projects administered by the Department of Transportation (DOT), regulated by ch. TRANS 401, Wis. Adm. Code, and subject to the DOT and the DNR's liaison cooperative agreement, if in compliance with TRANS 401 and the liaison cooperative agreement shall be deemed to be in compliance with s. 283.33, Wis. Stats., and the requirements of ch. NR 216, Wis. Adm. Code. The DOT shall notify the DNR of projects covered under this section which shall constitute the NOI for these projects.

(5) Storm water discharges from land disturbing construction sites which are regulated, reviewed and approved by other DNR programs and meet the requirements of ch. NR 216, Wis. Adm. Code, in a manner which is in compliance with NR 216 shall be deemed to be covered by this permit and shall comply with the conditions of this permit. The appropriate DNR program shall notify the Bureau of Watershed Management of projects covered under this section which shall constitute the NOI for these projects.

Note: Construction sites covered under this may include, but are not limited to, new landfill developments, sewer extensions, and wastewater treatment plants reviewed by the DNR.

D. More than One General Permit Can Apply. This permit may be issued to existing holders of general or individual WPDES permits, resulting in multiple WPDES permits for some sites. Facilities having other permits which do not regulate storm water discharges from land disturbing construction activities shall be subject to this permit when construction activities will disturb five or more acres of land at the site.

E. Transfers. A person who has submitted a completed NOI and does not intend to control the permitted activities on the site may transfer authorization under a general WPDES permit to the person who will control the permitted activities as authorized in s. NR 216.54, Wis. Adm. Code. The transfer shall occur upon written notification, signed by both parties, sent via certified or registered mail, to the DNR by the transferor or transferee. Unless the permittee is notified to the contrary by the DNR, the DNR will recognize this permit coverage transfer upon receipt of written notification. The DNR may require additional information to be filed prior to granting coverage under the general WPDES permit. The DNR may, if appropriate, require the submittal of an application for an individual WPDES storm water discharge permit.

PART II. NOTICE OF INTENT AND TERMINATION REQUIREMENTS

A. Deadlines for Notification.

(1) Persons required to obtain coverage under this permit for storm water discharge associated with land disturbing construction activities of five or more acres shall submit a completed NOI to the DNR, via certified or registered mail, in accordance with the requirements of ch. NR 216, Wis. Adm. Code. The DNR must receive the completed NOI in accordance with the requirements of this Part at least 14 working days prior to commencing any land disturbing construction activities. The Department may withhold permit coverage beyond 14 working days in order to request additional information or to review project compliance with erosion control, wetland protection, endangered and threatened resources or historic property requirements. A NOI shall be submitted on forms supplied by the DNR. Data submitted in the NOI forms shall be used as the basis for issuing WPDES storm water discharge permits. Different NOI forms are used to provide information from different sources of storm water discharge.

(2) NOI forms may be obtained from DNR regional offices or by writing to the Wisconsin DNR, Storm Water Program – WT/2, Box 7921, Madison, Wisconsin 53707-7921.

(3) An application fee of \$200 shall be paid to the DNR with the NOI, excluding notices filed by COMM or DOT projects. Construction projects receiving erosion control plan review and inspection by a county, city, village or town with an ordinance in effect prior to January 1, 1994, that establishes standards for erosion control at commercial building sites are exempt from the \$200 permit application fee.

(4) The NOI form shall be signed in accordance with Part V.O.

B. Application Retention. The NOI will constitute the information necessary for a determination to be made for coverage under this permit. A copy of the NOI or other indication that storm water discharges from the site are covered under a general WPDES permit shall be kept with the building plans on the construction site and with the landowner. Where appropriate, other indicators such as notification under chs. Comm 50 or TRANS 401, Wis. Adm. Code, may be used in lieu of the DNR's NOI.

C. Failure to Notify. Persons who fail to notify DNR of their intent to be covered under this permit, and who discharge storm water runoff to waters of the State associated with land disturbing construction activities of five or more acres, are in violation of ch. 283, Wis. Stats., ch. NR 216, Wis. Adm. Code and the federal Clean Water Act (CWA).

D. Incomplete Notice of Intent. Within 14 working days after the date the DNR receives the NOI, the DNR may require an applicant to submit data necessary to complete any deficient NOI or may require the applicant to submit a complete new NOI when the deficiencies are extensive or the appropriate form has not been used.

E. Date Coverage Effective. Unless notified by the DNR to the contrary, applicants who submit a NOI in accordance with the provisions of ch. NR 216, Wis. Adm. Code, are authorized to discharge storm water from land disturbing construction sites under the terms and conditions of this permit 14 working days after the date the DNR receives the NOI. The DNR may require the landowner to submit plans and specifications for approval of storm water treatment practices, pursuant to s. 281.41, Wis. Stats. The DNR may deny coverage under this permit and require submittal of an application for an individual WPDES permit based on a review of the completed NOI or other information.

F. Where to Submit. The NOI for coverage under this permit shall be mailed via certified or registered mail to the appropriate regional DNR office or to the following address:

Wisconsin DNR
Storm Water Program – WT/2
P.O. Box 7921
Madison, WI 53707-7921

G. Use of Information. All information contained in the NOI other than that specified as confidential shall be available to the public for inspection and copying. All confidential information, so identified, shall be in separate documents. Effluent data is not confidential information. Confidential treatment will be considered only for information identified in documents separate from nonconfidential information which meets the requirements of s. 283.55(2)(c), Wis. Stats., and for which written application for confidentiality has been made pursuant to s. NR 2.19, Wis. Adm. Code.

H. Notice of Termination.

(1) When a construction site has undergone final stabilization and all land disturbing construction activities that required coverage under this permit have ceased, the permittee shall submit a signed notice of termination to the DNR within 45 days.

(2) The notice of termination shall be submitted on forms supplied by the DNR. Data submitted in the notice of termination forms shall be used as the basis for terminating coverage of this permit. Different notice of termination forms are used to provide information from different sources of storm water discharge.

(3) Notice of termination forms may be obtained from the DNR regional offices or by writing to the DNR, Storm Water Program – WT/2, Box 7921, Madison, WI 53707-7921.

(4) The notice of termination shall be mail to the appropriate regional DNR office or to the following address:

Wisconsin DNR
Storm Water Program - WT/2

P.O. Box 7921
Madison, WI 53707-7921

(5) Notice of termination forms shall be signed in accordance with Part V.O.

(6) Termination of coverage under this permit shall be effective upon DNR's submittal of written confirmation of final stabilization to the permittee.

PART III. CONSTRUCTION SITE EROSION CONTROL AND STORM WATER MANAGEMENT PLAN

A. Erosion Control Plan Requirements.

(1) The permittee shall develop a construction site erosion control plan for each site covered by ch. NR 216, Wis. Adm. Code, and shall perform all activities required by the plan and shall maintain compliance with the plan thereafter. The construction site erosion control plan shall address pollution caused by soil erosion and sedimentation during construction, and up to final stabilization of the site. The construction site erosion control plan shall be prepared in accordance with good engineering practices and the design criteria, standards and specifications outlined in the Wisconsin Construction Site Best Management Practice Handbook (WDNR Pub. WR-222 November 1993 Revision).

(2) The Wisconsin Construction Site Best Management Practice Handbook (WDNR Pub. WR-222 November 1993 Revision) contains limitations on suitable conditions where best management practices can be applied. Tributary area limitations on the use of practices for trapping sediment in channelized flow conflict with the practices suggested in the January 7, 1987 version of the State Model Construction Site Erosion Control Ordinance. Where this occurs, the specifications contained in the Wisconsin Construction Site Best Management Practice Handbook shall take precedence over erosion and other pollutant control requirements contained in the State Model Construction Site Erosion Control Ordinance.

Note: The Wisconsin Construction Site Best Management Practice Handbook is available through Document Sales, 202 S. Thornton Ave., Madison, Wisconsin 53707. To order please call (608) 266-3358 or 1-800-362-7253.]

(3) The plan shall be completed prior to the submittal of a NOI for covered under this permit and shall be updated in accordance with Part III.C. as appropriate.

(4) The construction site erosion control plan shall include, at a minimum, the following items:

- (a) Description of the site and the nature of the construction activity;
- (b) Description of the intended sequence of major activities which disturb soils for major portions of the site, such as grubbing, excavating, or grading;
- (c) Estimates of the total area of the site and the total area of the site that is expected to be disturbed by construction activities;
- (d) Estimates, including calculations, if any, of the runoff coefficient of the site before and after construction activities are completed;
- (e) Existing data describing the surface soil as well as subsoil, from Natural Resources Conservation Service (NRCS) information;
- (f) Depth to groundwater, as indicated by the NRCS soil information where available, except when permanent infiltration systems are used the depth to groundwater shall be identified as outlined in Part III.A.(5) below; and

(g) Name of immediate named receiving water from the United States Geological Survey 7.5-minute series topographic maps or other appropriate source.

(5) When permanent infiltration systems are used, appropriate on-site testing shall be conducted to determine if seasonal high water is within five feet of the bottom of the proposed practice. If permanent infiltration structures are to be used and there is a municipal well within 400 feet or a non-public well within 100 feet, the groundwater flow must be identified in accordance with the provisions specified in either chs. NR 110 or 214, Wis. Adm. Code. [Note: Chapters NR 811 and 812 require minimum separation distances for infiltration systems, storm sewer systems and storm water ponds relative to wells.]

(6) The construction site erosion control plan shall include a site map with the following items:

- (a) Existing topography and drainage patterns, roads and surface waters;
- (b) Boundaries of the construction site;
- (c) Drainage patterns and approximate slopes anticipated after major grading activities;
- (d) Areas of soil disturbance;
- (e) Location of major structural and non-structural controls identified in the plan;
- (f) Location of areas where stabilization practices will be employed;
- (g) Areas which will be vegetated following construction; and
- (h) Wetlands, area extent of wetland acreage on the site, and locations where storm water is discharged to a surface water or wetland.

(7) The construction site erosion control plan shall include a description of appropriate controls and measures that will be performed at the site to prevent pollutants reaching waters of the state. The plan shall clearly describe the appropriate control measures for each major activity identified in the NOI and the timing during the construction process that the measures will be implemented. The description of erosion controls shall consider the following minimum requirements:

(a) Description of interim and permanent stabilization practices, including a schedule for implementing the practices. Site plans shall ensure existing vegetation is preserved where attainable and disturbed portions of the site are stabilized;

(b) Description of structural practices to divert flow away from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from the site. Unless otherwise specifically approved in writing, structural measures shall be installed on upland soils;

(c) Management of overland flow at all sites, unless otherwise controlled by outfall controls;

(d) Trapping of sediment in channelized flow;

(e) Staging construction to limit bare areas subject to erosion;

(f) Protection of downslope drainage inlets where they occur;

(g) Minimization of tracking at all sites;

(h) Clean up of off-site sediment deposits;

(i) Proper disposal of building and waste material at all sites;

(j) Stabilization of drainage ways;

(k) Installation of permanent stabilization practices as soon as possible after final grading; and

(l) Minimization of dust to the maximum extent practicable.

(8) No solid materials, including building materials, may be discharged in violation of chs. 30 and 31, Wis. Stats., or U.S. Army Corps of Engineers Section 404 permit requirements.

(9) Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel as necessary to provide a non-erosive flow from the structure to a watercourse so that the natural physical and biological characteristics and functions are maintained and protected.

(10) The DNR may, upon request of a permittee or upon finding of just cause, grant modifications to the compliance and reporting schedules or any requirements of this permit.

(11) Runoff settling basins and pit/trench dewatering settling basins, if used, shall be constructed in accordance with the practices found in the Wisconsin Construction Site Best Management Practice Handbook, and as follows:

(a) Basins shall discharge to a vegetated or otherwise stabilized area protected from erosion. A principal spillway outlet pipe shall discharge at the bottom of the embankment.

(b) When the sediment reaches the elevation of the sediment storage and permanent pool elevation, basins shall be cleaned out. Materials removed from basins shall not be disposed of in a manner that could pollute waters of the state.

(c) Basins should be surrounded by fences.

(12) All maintenance shall be in accordance with established guidelines. Where measures are not in accordance with guidelines, a description of the procedures to maintain effective operating conditions of vegetation, erosion and sediment control measures and other protective measures shall be identified in the plan.

(13) The construction site erosion control plan shall clearly identify the contractor(s) and subcontractor(s) that will install and maintain erosion control and storm water management measures. This information may be added to the plan after the NOI has been submitted to DNR. It must be included in the plan prior to the commencement of land disturbing construction activities.

B. Storm Water Management Plan Requirements.

(1) Pollution caused by storm water discharges from the site after construction is completed, including, but not limited to, rooftops, parking lots, roadways and the maintenance of grassed areas shall be addressed by a storm water management plan. Inclusion in the plan of post construction management shall not bind either future owners of the property nor municipalities to implement the management practices. A storm water management plan is not required for projects that do not alter runoff volumes or runoff quality from existing conditions and that do not include new development.

(2) The storm water management plan shall include a description of the management practices that will be installed during the construction process to control peak flow, pollutants and runoff volume that will occur after construction operations have been completed. Storm water management practices shall be in accordance with applicable state and local regulations. To the extent feasible, the plan shall consider efforts to increase on-site infiltration through conveyance, depression storage and reduction of impervious area, consistent with any state or local development standards.

(3) For any permanent structures, provisions shall be made for long-term maintenance. Long-term maintenance provisions for storm water management structures should be made with the local municipality. If the local municipality agrees to take over long-term maintenance responsibilities, a copy of the agreement shall be attached to the notice of termination. If the local municipality will not make such an agreement, alternative provisions that will be made for long-term maintenance of storm water management structures shall be identified, and a copy of the document mechanism by which it shall be enacted attached to the notice of termination.

(4) The storm water management plan shall include a description of practices to control impacts from runoff volume and pollutants. These may include, but are not limited to: infiltration systems, flow attenuation, constructed wetlands, temporary or permanent ponds, combinations of these practices, or other methods which do not cause significant adverse impact on the receiving surface water or

groundwater. The plan shall include an explanation of the technical basis used to select the practices to control pollution where flows exceed predevelopment levels.

Note: To assist with a storm water management plan the UW-Extension published The Wisconsin Storm Water Manual. Part 1 of this manual gives an overview of storm water planning, storm water legal issues, pollution prevention and best management practices. The second part of this manual, is an elaboration of the technical design guidelines for storm water management practices, including sections on hydrology; infiltration basins and trenches; wet detention basins; and artificial wetland storm water management. To order a copy of The Wisconsin Storm Water Manual (publication number G-3691-P) contact the University of Wisconsin Extension at (608) 262-3346 or toll free at (877) 947-7827. The cost of this manual is currently \$15.00 plus shipping and handling and orders may be made via credit card.

C. Amendments.

- (1) The permittee shall amend the erosion control and storm water management plan whenever:
 - (a) There is a change in design, construction, operation or maintenance at the site which has the reasonable potential for the discharge of pollutants to waters of the state and which has not otherwise been addressed in the plan; and
 - (b) The actions required by the plan fail to reduce the impacts of pollutants carried by construction site storm water runoff.

(2) Upon request of the DNR and unless otherwise specified, amendments to the plan shall be submitted to the DNR by the permittee via certified or return receipt requested mail, within five days of the date the permittee identifies the need for a change or the DNR notifies the permittee that a change is required. The DNR may extend this time frame as is needed and is reasonable.

PART IV. EFFLUENT LIMITATIONS, MONITORING AND RECORDS REQUIREMENTS

A. Effluent Limitations. This permit does not establish water quality-based effluent limitations. Neither the United States Environmental Protection Agency nor the DNR have established specific effluent limitations for storm water discharges associated with construction activity. Therefore, this permit establishes performance standards associated with the Best Available Technology (BAT) for erosion and sediment control and storm water management. Compliance with the provisions cited in Parts II and III of this permit will constitute compliance with effluent limitations for storm water discharges associated with construction activity.

B. Monitoring.

- (1) For the purposes of monitoring, the permittee shall:
 - (a) Conduct the following inspections:
 1. Weekly inspections of implemented erosion and sediment controls; and
 2. Inspections of erosion and sediment controls within 24 hours after a precipitation event 0.5 inches or greater which results in runoff during active construction periods.
 - (b) Maintain weekly written reports of all inspections conducted by or for the permittee that include:
 1. The date, time and exact place of the inspection;
 2. The name of the individual who performed the inspection;
 3. An assessment of the condition of erosion and sediment controls;
 4. A description of any erosion and sediment control implementation and maintenance performed; and

5. A description of the present phase of construction at the site.

(2) The information maintained in accordance with Part IV.B.(1) above, upon request of the DNR, shall be submitted to the appropriate DNR office as directed.

C. Records.

(1) The permittee shall retain records of all monitoring information, copies of all reports and plans required by this permit, and records of all data used to obtain coverage under this permit. Minimum periods of retention are as follows:

(a) The construction site erosion control and storm water management plan, and amendments to the construction site erosion control and storm water management plan shall be retained at the site until construction is completed, the site has undergone final stabilization and permit coverage is terminated.

(b) All reports required by ch. NR 216, Wis. Adm. Code, or information submitted to obtain coverage under NR 216, including the construction site erosion control and storm water management plan, amendments, and background information used in their preparation, shall be kept by the permittee for a period of at least three years from the date of notice of termination.

(2) Persons operating a construction site under approved local sediment and erosion plans, grading plans, or storm water management plans shall submit signed copies of the NOI to the local agency approving the plans. If storm water from the construction site discharges to a separate storm sewer system that is operating pursuant to a general WPDES permit, then a signed copy of the NOI shall also be sent to the operator of the system.

(3) Upon request by the DNR the permittee shall provide a copy of the plan, and any additional data requested, within five working days to the DNR, to the operator of the storm sewer system which receives the discharge, and any local agency approving sediment and erosion plans, grading plans or storm water management plans. The additional information shall be submitted in accordance with s. NR 200.09, Wis. Adm. Code. Additional information may be requested by the DNR for resource waters that require additional protection such as outstanding or exceptional resource waters, or other sensitive water resources.

D. Conformance with Other Applicable Plans.

(1) The plan shall document other applicable county and local regulatory provisions, compliance with which meet the requirements of this permit. If these additional provisions are more stringent than those provisions appearing in this permit issued pursuant to ch. NR 216, Wis. Adm. Code, the plan shall include a description of how it will comply with these provisions.

(2) The plan shall ensure and demonstrate compliance with applicable state and local waste disposal, sanitary sewer or septic system regulations.

E. Department Actions.

(1) The DNR may notify the permittee at any time that the plan does not meet one or more of the minimum requirements of ch. NR 216, Wis. Adm. Code, or a permit issued pursuant to NR 216, for reducing and preventing soil erosion. The notification shall identify those provisions which are not being met by the plan, and identify which provisions of the plan require modifications in order to meet the minimum requirements. Within the time frame identified by the DNR in its notice, the permittee shall

make the required changes to the plan, perform all actions required by the revised plan, and submit to the DNR a written certification that the requested changes have been made and implemented, and such other information as the DNR requires. Failure to comply shall terminate authorization to discharge pollutants under this permit.

(2) The DNR may require the landowner of any storm water discharge to apply for and obtain a storm water permit if the storm water discharge is determined to be a significant contributor of pollution.

(3) The DNR shall withdraw a construction site from coverage under this permit and issue an individual WPDES permit upon written request of the discharger. The WPDES general permit authorizing storm water discharges from construction sites remains in effect until the DNR acts on such a request and issues a specific individual WPDES permit. Storm water discharges from a construction site are not authorized until issuance of a specific WPDES permit.

(4) The DNR may deny coverage under a general WPDES permit and require submittal of an application for an individual WPDES storm water discharge permit based on a review of the completed NOI or other information.

(5) The DNR may require the landowner of any storm water discharge covered by a general WPDES permit issued pursuant to ch. NR 216, Wis. Adm. Code, to apply for and obtain an individual WPDES storm water discharge permit if any of the following occur:

- (a) The storm water discharge is determined to be a significant source of pollution and more appropriately regulated by an individual WPDES storm water discharge permit;
- (b) The storm water discharge is not in compliance with the terms and conditions of this permit, or of a general WPDES permit issued pursuant to NR 216;
- (c) A change occurs in the availability of demonstrated technology or practices for the control or abatement of pollutants from the storm water discharge; or
- (d) Effluent limitations or standards are promulgated for a storm water discharge that is different than the conditions contained in NR 216.

(6) Any person may submit a written request to the DNR that it take action under Part IV.E.(5) above.

PART V. STANDARD REQUIREMENTS.

A. NR 205, Wis. Adm. Code. The requirements in ss. NR 205.07(1) and (3), Wis. Adm. Code, are included by reference in this permit. The permittee shall comply with all of these referenced requirements, except for s. NR 205.07(1)(n), which does not apply to facilities covered under General Permits. Selected s. NR 205.07 requirements are outlined in the Standard Requirements section of this permit. Requirements not specifically outlined in this Standard Requirements section can be found in s. NR 205.07(1) or (3), Wis. Adm. Code.

B. Non-storm Water Discharges. All discharges authorized by this permit shall be composed entirely of storm water associated with land disturbing construction activity, as defined in ch. NR 216, Wis. Adm. Code, or storm water and/or groundwater from excavations and/or pit dewatering.

C. Work near Surface Waters and Wetlands. Any work performed in wetland areas or within areas subject to local floodplain and shoreland regulations must conform to all applicable county and/or local ordinances. All applicable state permits and/or contracts required by Chapters 30, 31, and 87, Stats. (or Wisconsin Administrative Code adopted under these laws, including ch. NR 103), and applicable federal permits must be obtained as necessary.

D. Work near Wells. Adequate separation distances from wells shall be maintained for storm water ponds, storm sewers, and infiltration structures as necessary in accordance with chs. NR 811 and 812.

E. Duty to Comply. Any act of noncompliance with this permit is a violation of this permit and is grounds for enforcement action or withdrawal of permit coverage under this permit and issuance of an individual permit. If the permittee files a request for an individual WPDES permit or a notification of planned changes or anticipated noncompliance, this action by itself does not relieve the permittee of any permit condition.

F. Continuation of the Expired General Permit. The Department's goal is to reissue this general permit prior to its expiration date. However, if that does not occur, s. NR 205.08(9), Wis. Adm. Code, specifies that an application for reissuance of the permit will be considered to have been submitted for all of the dischargers in the class or category covered by this general permit. The class application for general permit reissuance allows the conditions and requirements of the expired permit to remain in effect until the permit is reissued or revoked.

G. Duty to halt or reduce activity. Upon failure or impairment of best management practices identified in the construction site erosion control and storm water management plan, the permittee shall, to the extent deemed necessary by the DNR to maintain compliance with this permit, modify or curtail operations until the best management practices are restored or an alternative method of erosion and storm water control is provided.

H. Other Information. When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the NOI or in plans approved in accordance with the provisions cited in Part III, the permittee shall promptly submit such facts or information to the DNR or the appropriate plan review authority.

I. Permit actions. As provided in s. 283.53, Wis. Stats., after notice and opportunity for a hearing this permit may be modified or revoked and reissued for cause.

J. Modifications to Permit Requirements. The DNR may, upon request of a permittee and/or upon finding of just cause, grant modifications to the compliance and reporting schedules or any requirements of this permit. If the Department took this step at its discretion, it would change this general permit following required public noticing and the change would apply to all dischargers covered under this permit.

K. Continuation of Coverage under this General Permit. Coverage under this general permit shall remain in effect until the NOI and plans approved in accordance with the provisions cited in Parts II and III have expired. Renewal of expired plans shall be in accordance with the procedures established in the provisions cited in Part III above. Such renewal shall constitute continuing coverage under this permit.

L. Duty to Minimize. The permittee shall take all reasonable steps to minimize or prevent any adverse impacts on the waters of the state resulting from non-compliance with this permit.

M. Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control which are installed or used by the permittee to achieve compliance with this permit and the construction site erosion control and storm water management plan. Proper operation and maintenance includes effective performance, adequate funding,

adequate operator staffing and training and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with conditions of this permit.

N. Duty to Provide Information. The permittee shall furnish to the DNR within a reasonable time, any information that the DNR may request to determine whether cause exists for modifying, revoking, or reissuing this permit or to determine compliance with this permit. The permittee shall also furnish to the DNR, upon request, copies of records or reports required to be kept by the permittee.

O. Certification and Signature Requirements. The NOI for coverage under this permit, the notice of termination, and all reports or information submitted to the DNR as required by this permit shall be signed by the permittee as follows:

- (1) for a corporation, by a responsible corporate officer including president, secretary, treasurer, vice president, manager, or a duly authorized representative having overall responsibility for the operation covered by this permit;
- (2) for a unit of government, by a ranking elected official or other duly authorized representative;
- (3) for a limited liability company, by a manager; or
- (4) for a partnership, by a general partner; and for a sole proprietorship, by the proprietor.

P. Liabilities under Other Laws. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under section 311 of the CWA, any applicable State law, or regulation under authority preserved by section 510 of the CWA.

Q. Property Rights. This permit does not convey any property rights of any sort, or any exclusive privilege. This permit does not authorize any injury or damage to private property or any invasion of personal rights, or any infringement of federal, state or local laws or regulations.

R. Severability. The provisions of this permit are severable, and if any provisions of this permit or the application of any provision of this permit to any circumstance is held invalid the remainder of this permit shall not be affected thereby.

S. Transfers. Coverage under this permit is not transferable to any person except after notice to the DNR in accordance with Part I.E. above.

T. Inspection and Entry. Upon the presentation of credentials, the permittee shall allow an authorized representative of the DNR to:

- (1) enter upon the permittee's premises where a regulated permittee or activity is located or conducted, or when records are required under the conditions of this permit;
- (2) have access to and copy, at reasonable times, any records required under the conditions of this permit;
- (3) inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this permit;
- (4) to sample or monitor at reasonable times, for the purposes of assuring permit compliance, any substances or parameters in storm water at any location.

U. Toxic Pollutants. In accordance with s. NR 102.12 Wis. Adm. Code, this permit requires that new and increased discharges as defined in ch. NR 207, Wis. Adm. Code, of persistent, bioaccumulating toxic substances to the Great Lakes waters or their tributaries, be limited to the maximum extent practicable when such discharges result from the contamination of storm water by contact with raw materials, products, by-products or wastes used by the permittee.

V. Spill Reporting. The permittee shall immediately notify the Department in accordance with ch. NR 706 (formerly NR 158), Wis. Adm. Code, in the event that a spill or accidental release of any material or substance results in the discharge of pollutants to the waters of the state, unless the spill or release of pollutants has been immediately reported to the Department in accordance with s. NR 205.07 (1)(s), Wis. Adm. Code.

W. Submitting Records. Unless otherwise specified, any reports submitted to the DNR in accordance with Part V of this permit shall be submitted to the DNR office identified in the attached cover letter.

X. Notification of Noncompliance. Reports of noncompliance with requirements contained in any compliance schedule of this permit shall be submitted to the DNR in writing within 14 days of the permittee becoming aware of the noncompliance. Any report of noncompliance shall include: a description of the noncompliance; its cause; the steps taken or planned to reduce, eliminate and prevent reoccurrence of the noncompliance; and the effect of the noncompliance on the permittees ability to meet remaining schedules.

Y. Enforcement. Any violation of s. 283.33, Wis. Stats., ch. NR 216, Wis. Adm. Code, or this permit is enforceable under s. 283.89, Wis. Stats.